Application Number	Application/Co	F	Applicant(s)/Patent (Reexamination	under				
Document Code - DISQ		Internal Do	cument – DO NOT MAIL					
TERMINAL DISCLAIMER	☑ APPROVED		☐ DISAPPI	☐ DISAPPROVED				
Date Filed : November 20, 2007	This patent is subject to a Terminal Disclaimer							
Approved/Disapproved by:								
Henry D. Jefferson								

U.S. Patent and Trademark Office

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

Date:			14-Dec-07	APPL. S. N:	10726087			
To Exam	niner:		LIM, STEVEN	Art Unit	2617			
From			Jefferson, Henry PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	JEF-2D68			
SUBJEC	T: Decisi	on on Termi	nal Disclaimer(T.D.) filed:					
form pa or have	ragraphs any ques	identified by tions, please	this informal memo in your ne e see me or the Special Progran	e results as set forth below. If you ext Office action to notify applicant on n Examiner. THIS IS AN INFORMAL OF RECORD IN THE APPLICATION	of the T.D. If you disagree			
please ii	nitial, dat	e and return	this memo to me. THANK YOU					
[<u>v</u>	The T.D	. is PROPER	and has been recorded (see 14	.23).				
Γ	The T.D	. is NOT PRO	OPER and has not been accepted	d for the reason(s) checked below	(see 14.24):			
		The TD fee	e of has not been subreposit account	mitted nor is there any authorization	n in the application file for the			
		his/her int		the person who has signed the T.I interest of the business entity repr .26.01).				
		The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).						
	Γ	The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a termina portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).						
	Γ	The person who signed the T.D.:						
		「 is	s not an attorney "of record" (se	ee 14.29 and 14.29.01).				
		<u> </u>	nas failed to state his/her capac	ity to sign for the business entity (see 14.28).			
		T _i is	s not recognized as an officer of	f the assignee (see 14.29 & possibl	e 14.29.02).			
	Γ	nor is the (see 37 CF	reel and frame number specifie FR 3.73(b) and 1140 O.G. 72).	tle from the original inventor(s) to a d as to where such evidence is reco NOTE: This documentary evidence or in a separate paper of record in t	orded in the Office or the specifying of the reel and			
	L	The T.D. is	s not signed (see 14.26 & 14.26	5.03).				
	Γ	The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).						
		The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).						
		The period	disclaimed is incorrect or not s	specified (see 14.26, 14.27.02 or 1	4.26.03).			
		Other:						
	Г		n to request refund (see 14.36) t check this item.	. NOTE: If already authorized, cred	iit refund to deposit account			
I have a	ppropriat	ely notified	applicant(s) of the status of the	e Terminal Disclaimer filed in this ca	ase.			
Ex.Initia	ıls:	c	Date:		Log Date:			

PTC/SB/26 (10-07)
Approved for use through 10/31/2007. OMB 0851-0031
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TERMINAL DISCLAIMER TO ORVIATE A DOUBLE PATENTING

Docket Number (Optional)

REJECTION OVER A "PRIOR" PATENT	678-245 CON (P8696)					
In re Application of: KIM, Young-Ky et al.						
Application No.: 10/726,087						
Filed: December 2, 2003						
For: DEVICE AND METHOD FOR EXCHANGING FRAME MESSAGES OF DIFFERENT LENGTHS IN CDMA COMMUNICATION SYSTEM						
The owner*, Samsung Electronics Co., LTD. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,768,728 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.						
In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.						
Check either box 1 or 2 below, if appropriate.						
For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.						
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.						
2. The undersigned is an attorney or agent of record. Reg. No. 33,494						
Cand famell	November 20, 2007					
Signature	Date					
Paul J. Farrell						
Typed or printed name						
	516-228-3565					
Terminal disclaimer fee under 37 CFR 1.20(d) included.	Telephone Number					
WARNING: information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.						
*Statement_under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.						
This collection of information is required by 37 CSS 1 321. The information is married to obtain as rately a hourself but						

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patern and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.